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REMARKS

Claims 1, 3-5, 7, 10-13, 18, 20, 23-26, 28 and 30-33 are pending in the application. Claims 18, 20, 23-26 and 28 are allowed, and claims 1, 3-5, 7, 10-13 and 30-33 are rejected.

Applicants thank the Examiner for the favorable consideration and allowance of claims 18, 20, 23-26 and 28.

In the Office Action, claims 1, 3-5, 7, 10-13 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Krueger et al. (5,578,076). Applicants respectfully traverse the rejections.

Applicants respectfully submit that Krueger does not teach every element of claim 1, and therefore fails to anticipate claim 1. Krueger describes a hanger 16 which attaches to a low profile holder for a mechanical heart valve prosthesis. The Examiner cites a pair of arms (16) of the hanger including curved segments (74) and (76) as describing the elements of claim 1. The Examiner notes that a recitation of an intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

In the Examiner's Response to Arguments, the Examiner only addressed the "adapted" language in claim 1, and did not address the "sized" limitation. Claim 1 recites "at least one pair of arms, the pair being **sized** and adapted for fastening two adjacent tissue heart valve leaflets." (emphasis added). The "sized" language of claim 1 clearly is a physical limitation and presents a structural difference between the invention of claim 1 and the hanger 16 of Krueger.

Furthermore, the arms 16 of Krueger are simply not adapted for fastening two adjacent tissue heart valve leaflets. The arms of hanger 16 of Krueger are used to suspend the holder and heart valve in packaging during transportation and prior to implantation (Krueger, col. 3, lines 37-39). Before implantation, hanger 16 is removed from holder 14 (col. 4, lines 6-7). Hanger 16 clearly is not inserted into the heart. Arms

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of hanger 16 are clearly not capable of fastening adjacent tissue leaflets as required in claim 1 since hanger 16 is not used within the heart. Thus, there is a clear structural difference between claim 1 and the hanger of Krueger. Claim 1 is neither taught nor suggested by Krueger.

Applicants also submit that Krueger does not teach every element of claim 30 and therefore fails to anticipate claim 30. An opening in hanger 366 allows legs 374 to pivot about a point 372 based on pressure that is placed at points 370 proximate the opening. The Examiner asserts that pivot 372 is inserted into an opening in a cap. However, pivot 372 clearly forms part of the opening, and is thus not inserted within the opening to lock the arms, as recited in claim 30. Furthermore, the opening of hanger 366 is not part of a cap that locks the legs 374 in a collapsed gripping position. Instead, as described in column 6, lines 46-51, a separate locking member, in this case a bar extending between points 370, is used to lock legs 374. Thus, Krueger does not teach every element of claim 30 and withdrawal of the rejection to claim 30 is requested.

Applicants respectfully request withdrawal of the rejection of claims 1, 3-5, 7, 10-13 and 30-33 under 35 U.S.C. §102 (b) as being anticipated by Krueger, et al.

In view of the reasons provided above, it is believed that all pending claims are in condition for allowance. Applicants respectfully request favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning

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this communication, please contact Applicants' attorney of record, Hallie A. Finucane at (612) 334-3222.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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